

OPEN SESSION MINUTES

Department of Consumer Affairs
Board of Psychology
Quarterly Meeting
Hyatt San Jose
1740 No. First Street
San Jose, CA 95112

August 29, 1998

The open session meeting of the Board of Psychology was called to order by Judith Janaro Fabian, Ph.D. at 9:10 a.m.. A quorum was present and due notice had been sent to interested parties.

Present were:

Judith Janaro Fabian, Ph.D., Vice-Chairperson
Martin Greenberg, Ph.D.
Linda Hee, Ph.D.
Emil Rodolfa, Ph.D.
Mary McMillan, Secretary
Marilyn Palarea
Mary Ellen Early

Others Present:

Thomas O'Connor, Executive Officer
Dan Buntjer, DCA Legal Counsel
Suzanne Taylor, Enforcement Coordinator
Karen Johnson, Licensing/Examination Coordinator
Kathi Burns, Enforcement Analyst
Annette Brown, Business Services Technician

Agenda Item #9 - Chairperson's Report

1. CPA Recommendations to Board

Dr. Fabian reported that she and Dr. Ebert took part in the California Psychological Association (CPA) workshop on 8/15/98. The topic of discussion was the recommendations CPA sent to the board regarding its Enforcement Program. Michael Haley, Executive Director of CPA gave an overview of these recommendations.

2. Strategic Planning Update

Dr. Fabian reported that Board members and staff attended a Strategic Planning Session at

Granlibbaken on July 15-18, 1998. Dr. Fabian thanked Board staff for their thorough preparation of a draft strategic plan from which the board could work.

c. Medical Board Resolution on Managed Care

Dr. Fabian reported that the Medical Board of California (MBC) recently adopted a resolution on managed care. She stated that she agreed with the MBC that professionals must work within the scope of their professions in a managed care environment.

Agenda Item 16 (c) SB 983 Polanco

Taken out of order

This bill would require the Board to encourage educational institutions to provide courses in psychopharmacology and the biological basis of behavior. It also requires the Board to develop guidelines for the basic education and training of psychologists whose practices include patients with medical conditions and patients with mental and emotional disorders, who may require psychopharmacological treatment and whose management may require collaboration with physicians and other health care professionals.

It was M(Rodolfa)/S(Greenberg)/C to support this bill.

Although Vice-Chairperson Dr. Fabian stated that the vote was unanimous to support SB 983, the official record noted that the actual vote was:

Vote: 5-2 (McMillan and Palarea Opposed)

d. Discussion Regarding BOP Statement on Medication

Taken out of order.

Mr. Buntjer noted the following changes:

Paragraph 1, Sentence 2; Business and Professions Code Section 2903 should be changed to Business and Professions Code Section 2904 in the proposed document.

Paragraph 2, Sentence 1; Often consumers seeking mental health services are suffering from conditions that could be treated very successfully by psychotropic medications prescribed by a physician. Has changed to; Often consumers seeking mental health services are taking psychotropic medications or suffering from conditions that could be treated very successfully by psychotropic medications prescribed by a physician.

Paragraph 2, Sentence 4; A psychologist may recommend a particular medication....Has changed to; A psychologist may suggest to a physician a particular medication

Paragraph 3, Sentence 4; While a psychologist's responsibility may include involvement in limited aspects of a patients' medications, the patient's physician is the only person who may

lawfully prescribe and dispense the medication for the patient. Has changed to; While a psychologist's responsibility can include involvement in limited aspects of a patients' medications, the patient's physician is the only person who may lawfully prescribe the medication for the patient.

Dr. Rodolfa stated the following change:

Paragraph 2, Sentence 7; A psychologist may assist in the monitoring of the patient's progress both in therapy and in the changes caused in the patient by drug therapy. Has changed to; A psychologist has primary responsibility to monitor the patient's progress in psychotherapy which includes assisting in monitoring the changes caused in the patient by the drug therapy.

The Board heard testimony from Dr. Charles Faltz, Dr. Gerald Frank and Dr. Steve Tolkin to urge the Board to adopt this policy.

It was M(Rodolfa)/S(Greenberg)/C to adopt the policy.

Vote: 4-2 (Hee abstained) (McMillan, Palarea Opposed)

e. Appoint Committee Members to Continuing Education Committee

Defer in Dr. Ebert's absence. Tabled to November meeting.

f. Correspondence and E-Mail

Dr. Fabian reported on two letters received, one from Dr. Barry Halote regarding the continuing education approval process, and the other from Dr. Joel Sunkin who wrote to protest mandatory continued education stating the courses are repetitious and boring.

g. Other Post-Agenda Items for Discussion

None.

Agenda Item #10 - Executive Officer's Report

a. Staff Update

Mr. O'Connor reported that Mary Armstrong was no longer working for the Board and that Tammey Bailey had been promoted to fill the Psychological Assistant Clerk vacancy.

Mr. O'Connor reviewed the drafts of Licensing and Examination Satisfaction Surveys. He stated these are good tools for evaluating the programs using this feedback.

b. Other Post-Agenda Items for Discussion

None.

Agenda Item #11 - Legal Counsel's Report

1. Citizenship and Immigration Verification Update

Mr. Buntjer updated the Board on the Federal Welfare Reform Act signed by President Clinton in October 1996 which prohibits illegal aliens from becoming licensed. All Boards and programs within DCA were ordered to draft emergency regulations to implement this act. This will only affect new applicants at first. Once regulations are adopted, they will go into effect immediately.

Applicants will be required to document citizenship prior to licensure. A computer database (SAVE) will check alien registration numbers to verify citizenship. An applicant will be allowed to sit for an exam, but their results will be withheld pending verification of citizenship. The Board would be required to notify applicants of this pending requirement to give the applicants time to get documentation. The Department should get SAVE access by December 1998.

2. Other Post-Agenda Items for Discussion

None.

Agenda Item #12 - Regulation Update

1. Supervision Regulations

There were many issues brought up regarding the draft Supervision Regulations. Some concerns regard specific wording of the draft regulations, lack of training courses for supervisors, and the definition of the 50% on-site supervision requirements in consideration of today's technologies. It was suggested that the section concerning delegation of supervision be more specific to exclude psychological assistants and to define a "portion" of delegation. Mr. O'Connor suggested discussing this further at a future meeting and suggested that an informal public input session he held at the November meeting in San Diego.

b. CPA Letter / Regulation Changes

Michael Haley, Executive Director of CPA addressed the board regarding regulation changes. CPA's proposal is to change 1397.60 to clarify and differentiate between types of continuing education experiences. Both psychologists and providers are requesting more explicit definitions as to the types of learning experiences that can be used to meet their continuing education requirement. In addition, there is sustained interest in the new distance learning technologies as more high quality professional education is being offered on-line.

c. Other Post-Agenda Items for Discussion

Dr. Fabian reviewed a letter from Dr. Herbert Moskowitz regarding continuing education. Mr. O'Connor will respond in writing to Dr. Moskowitz.

Dr. Fabian reviewed a memo from the Association of State Provincial Psychology Boards (ASPPB) which stated that five jurisdictions have adopted regulations that allow them to accept ASPPB's Certificate of Professional Qualifications (CPQ) as a form of reciprocity. The Board already has adopted the necessary regulations to accept CPQ's and are awaiting final approval

from the Department of Consumer Affairs and the Office of Administrative Law. Dr. Fabian will attend a meeting concerning this and other issues with ASPPB in two weeks.

Agenda Item #13 - Credentials Committee Report

1. Vieten, Cassandra - Request for Alternative Supervision

Dr. Hee discussed the request for alternative supervision for Cassandra Vieten. The Credentials Committee recommended approval of Dr. Vieten's request with one amendment, to have her co-supervisor sign and date the plan.

It was M(Credentials)/C to approve with amendment.

VOTE: 7-0 Unanimous

2. Martino, Elba C. - Foreign Degree Evaluation

Dr. Hee discussed the foreign degree evaluation for Dr. Martino. The Credentials Committee determined that Dr. Martino's foreign degree is equivalent to that of a doctorate degree in psychology from a college or university in the United States.

It was M(Credentials)/C to approve.

VOTE: 7-0 Unanimous

3. Other Post-Agenda Items for Discussion

Dr. Hee reviewed Dr. Gregory Greenwood's request for alternative supervision. The Credentials Committee determined the two hours of delegated supervision would be acceptable pursuant to 1387(o)(3)(a) of the CA Code of Regulations. The Committee recommended to the full board to approve the plan for alternative supervision and advised Dr. Greenwood that supervision must equal at least 10% of the actual time worked per week and that the experience may not exceed 176 hours per month.

It was M(Credentials)/C to approve.

VOTE: 7-0 Unanimous

Dr. Hee reviewed Dr. Linda Centore's request for supervision of post-doctoral hours. At this time, there is not enough information. The committee instructed Ms. Johnson to obtain more detailed information from Dr. Centore and present it to the committee at a later date.

The credentials Committee denied Dr. Kenneth Waldman's appeal to take the licensing exam in October. Dr. Waldman will not have the required number qualifying post-doctoral supervised hours by the September 6, 1998 deadline.

Agenda Item #14 - Examination Committee Report

1. Analysis of Oral Examination Candidate Exit Questionnaire

Ms. Johnson reviewed the Candidate Exit Questionnaire which was distributed to oral exam candidates for the first time at the June 1998 oral exam. Of 512 candidates, 271 responded. Most had positive responses. The survey will be posted on the Board's website. Ms. Johnson was thanked by the Board for a good job.

2. 4/98 EPPP and 6/98 Oral Examination Statistics

Dr. Fabian reported on the written and oral exam statistics. The April 1998 EPPP pass rate was 53% and the June 1998 oral exam pass rate was 56%.

3. Other Post-Agenda Items for Discussion

Dr Fabian reported that a job analysis workshop was held on August 7th & 8th. A behavioral anchor workshop is planned for October 2nd & 3rd. Dr. Fabian will also attend the workshop in October.

Dr. Fabian also reported that examination preparation workshop providers now must be approved by the Bureau for Private Post Secondary and Vocational Education.

Agenda Item #15 - Enforcement Committee Report

1. Disciplinary Guideline Review

Tabled to November meeting.

2. Enforcement Statistics for FY 97/98

Ms. Palarea reviewed the Enforcement Statistics which showed a record number of Board actions for FY 97/98.

3. Probation Report

Ms. Burns reviewed the Probation Program for the 1997/98 FY. Of the 68 probationers, 42 pay probation monitoring costs. Ms. Burns informed the Board on a new Franchise Tax Board (FTB) Program to be implemented, upon Board approval, to collect outstanding cost recovery fees, citations & fines and probation monitoring costs.

4. Other Post-Agenda Items for Discussion

None.

Agenda Item #16 - Legislative Committee Report

a. SB 1983 Greene

SB 1983 is the Board's Sunrise Bill. It received incredibly strong support and is now on the Governor's desk awaiting his signature.

b. SB 2238 Polanco

This bill clarifies that Business & Professions Codes Section 2960 (o), (sexual misconduct) includes former patients within 2 years of therapy termination date. Ms. McMillan reported this bill was amended 8/24/98 to require a 2 year sunset clause and to change the lettering of Section 2960. Since renumbering will cause enormous reporting problems, the Board will seek emergency legislation to prevent renumbering.

c. SB 983 Polanco

Already discussed.

d. Other Post-Agenda Items for Discussion

None.

Agenda Item #17 - Consumer Education Committee Report

a. BOP Update

Mr. O'Connor reported the BOP Update V went out in July. The next BOP Update is scheduled for February or March, 1999.

b. BOP Website

Mr. O'Connor encouraged everyone to visit the website. BOP Updates 2-5 are on the website and the booklet "Professional Therapy Never Includes Sex" is on the website.

c. Other Post-Agenda Items for Discussion

None.

Agenda Item #18 - Supervision Committee

a. Supervision Regulation Overhaul

Already discussed.

b. Other Post-Agenda Items for Discussion

Dr. Haley reported that California Psychological Association (CPA) is writing an Amicus Brief regarding a lawsuit concerning immunity in child abuse reporting. CPA also will be filing a lawsuit against a managed care company where some psychologists are being sued based on administrative duties.

The Open Session meeting adjourned at 12:40 p.m..

Respectfully Submitted,

Judith Janaro Fabian, Ph.D.
Vice-Chairperson

Mary McMillan
Secretary